



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 07/12/01

Agenda Item 2

TO: Planning Commission

FROM: Tim Koonze, Development Services Specialist

SUBJECT: Planning Director referral of Tentative Parcel Map 7546 - Arlene Marcello (Owner/Subdivider): Request to subdivide an 11,650± square-foot parcel into two lots on Duval Lane located within a RS (single-family residential, minimum 5,000 square-foot lot size) District

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find that this project is categorically exempt from the provisions of the California Environmental Quality Act; and
2. Approve Tentative Parcel Map 7546 subject to the attached findings.

Discussion

The two lots associated with this subdivision were originally created in 1955. One single-family home exists on each lot. Each of the homes functions as a group home that can legally allow up to six residents. The owner merged the two parcels in 1997. Subsequently, the owner requested to divide the parcels into their original configuration. The lots to be created are 6,056± square-feet and 5,594± square feet in size and meet the minimum lot size for the RS zoning district, which is 5,000 square feet per lot. The subdivision conforms to the development pattern of the neighborhood and complies with the original subdivision line. There are no variances proposed and the subdivision is consistent with the Glen Eden Neighborhood Plan and the General Plan Map designation for this area which is Low Density Residential (4.3 - 8.7 units per acre).

Preliminary Meeting Regarding the Parcel Map/Public Hearing Notice

A preliminary meeting was held on May 11, 2000. A small number of neighbors attended this meeting expressing concerns about the group homes that occupied the two existing homes but there were no objections to the proposed subdivision. On April 17, 2001, all residents within 300 feet of the property were noticed as to the Planning Director's intention of administratively approving the tentative parcel map. Two citizens who reside near the project telephoned with the concern that approving the subdivision would allow the number of group home residents to increase. Staff informed them that any increase in the number of group home residents would

require approval by the State Licensing Board and approval of a City use permit. Staff also received a letter, signed by six nearby residents, objecting to the subdivision (see attached); therefore, staff is referring this matter to the Planning Commission.

In the neighborhood letter, owners expressed frustration due to the inability to obtain assurance from the California State Licensing Board that this subdivision will not allow an increase in the number of occupants legally permitted to reside at this property. In subsequent telephone conversations with City staff, the State Licensing Board staff stated that this subdivision would not affect the number of occupants allowed in the units. They confirmed that each unit can maintain up to six residents, but if the owner wishes to increase the number of residents in the group home, they must apply for a permit from the State Licensing Board. Additionally, a use permit is required for group homes exceeding 6 residents in residential districts. The neighborhood would be noticed prior to approval of such an increase.

The surrounding residents also expressed concern about resolving issues about how the group homes affected their neighborhoods. City staff held two neighborhood meetings at St. Rose Hospital that were attended by Police and Planning Department staff. Approximately 15 residents attended and shared both group home and neighborhood concerns. Staff explained that group homes may not be treated different than any other residences and recommended that when neighbors experience neighborhood safety, property or legal issues, they should immediately contact the Police Department.

Staff believes that the concerns of the neighborhood are associated with the use on the property and not directly related to subdivision of the property. Although City staff is sympathetic to the neighborhood concerns, these concerns are independent of the issues surrounding the subdivision.


Environmental Review

This project is categorically exempt from the provisions of the California Environmental Quality Act under Section 15315, "Subdivision of Properties into Four or Fewer Parcels."


Conclusion

The proposed project is consistent with the General Plan Map and Zoning Ordinance requirements. Because the parcel map requires no variances and does not affect the status of the existing group home, staff recommends that the Planning Commission approve the proposed subdivision.

Prepared by:


Tim Koonze
Development Services Specialist

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Vicinity Map
- B. Findings for Approval
- C. Letter From Neighborhood Residences dated April 28, 2001
Tentative Parcel Map 7546

St. Rose Hospital

WEST TENNYSON

ROAD

SLEEPY
HOLLOW
AVE. S.

AVENUE

DUNN

LANE

SARABOTA

LANE

BOLERO

(Miami Ave.)

AVENUE

BOLERO

(Miami Ave.)

AVENUE

STAGN
Y ROAD

ORACENA

STREET

ORACENA
ST. WAY

CLIFTWOOD
AVENUE

AVENUE

GAINESVILLE

AVE

CHESAPEAKE

WACELONA

STREET

ACM 21

AREA MAP - Parcel Map 7546

Attachment A

**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 7546**

1. The tentative parcel map is categorically exempt per California Environmental Quality Act (CEQA), Section 15315 (Subdivision of Properties into Four or Fewer Parcels).
2. The tentative parcel map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

April 28th, 2001

RECEIVED

MAY 2 2001

To: Planning Director of the City of Hayward

PLANNING DIVISION

Re: Proposed subdivision of a 11,650+/- square foot parcel into two single family lots

Location: 2091 Duval Lane, Hayward

Mr. Garcia,

Those in our community who's signature appears below object to the proposed subdivision of this property. Our objections are based on our unsuccessful repeated attempts to obtain assurance from California State Licensing that this action will not increase the number of occupants legally permitted to reside at this property. We have been equally unsuccessful in getting any resolution from the City of Hayward in regards to the neighborhood safety, property, and legal issues that have been of concern to us for some time.

We request your careful consideration of this matter and a timely response to our objection of this proposal.

In Wohl 27420 Palmwood Ave
Paul M. Wofford "Same"
Michael H. Song 27427 Palmwood Ave
Angela Ruddy 27411 Palmwood Ave
Heely H Ward 27436 PALMWOOD AVE
Anne Melon Moschea 27401 Blmwood Ave

ATTACHMENT C